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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

CENTRAL ILLINOIS LIGHT COMPANY	)	DOCKET NO.
d/b/a AmerenCILCO,	)	
CENTRAL ILLINOIS PUBLIC SERVICE	)	07-0527
COMPANY d/b/a AmerenCIPS, and	)	
ILLINOIS POWER COMPANY d/b/a	)	
AmerenIP	)	
	)	
Approval of Intial Procurement	)	
Plan.	)	

Springfield, Illinois  
Monday, December 3, 2007

Met, pursuant to notice, at 1:30 p.m.

BEFORE:

MR. LARRY JONES, Administrative Law Judge

APPEARANCES:

MR. CHRISTOPHER J. FLYNN  
JONES DAY  
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Chicago, Illinois 60601-1692  
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(Appearing on behalf of the  
Ameren companies via  
teleconference)

SULLIVAN REPORTING COMPANY, by  
Carla J. Boehl, Reporter  
Lic. #084-002710

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6 (Appearing on behalf of the  
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(Appearing on behalf of Dynegy,  
11 Inc.)

12 MR. CARMEN FOSCO  
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21 (Appearing on behalf of the  
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22 Association via teleconference)

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7                                (Appearing on behalf of  
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15                                (Appearing on behalf of the  
16                                Citizens Utility Board via  
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                                  (Appearing on behalf of  
                                  Constellation Energy  
                                  Commodities Group, Inc., and  
                                  Constellation New Energy, Inc.,  
                                  via teleconference)

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3	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u> <u>RECROSS</u>
4	None .			
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13		<u>EXHIBITS</u>		
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PROCEEDINGS

JUDGE JONES: Good afternoon again to most of you. I call for hearing ICC Docket Number 07-0527. This is titled in part Central Illinois Light Company d/b/a AmerenCILCO, Central Illinois Public Service Company d/b/a AmerenCIPS and Illinois Power Company d/b/a AmerenIP, Approval of Initial Procurement Plan. At least that is how the matter is docketed. It is noted that the petition does request additional tariffs for relief relating to tariffs and etc.

At this time we will ask the parties to enter your respective appearances orally for the record. We will further state that if you already appear on the service list, you need not either spell your name or provide your business address unless you want to. We would ask that you give us your phone number, however. So at this time may we have the appearances orally for the record, first on behalf of the petitioners, the Ameren companies?

MR. FLYNN: Judge, it is Christopher Flynn from Jones Day. My phone number is (312) 269-4156.

JUDGE JONES: Thank you. We will now turn to

1 other parties, first those who are physically present  
2 in the Springfield hearing room.

3 MR. MOSSES: On behalf of the People of the  
4 State of Illinois, Elias Mosses and Susan Hedman, 100  
5 West Randolph Street, 11th Floor, Chicago, Illinois  
6 60601, phone number (312) 814-7203.

7 JUDGE JONES: Thank you. Others in  
8 Springfield?

9 MR. LAKSHMANAN: Appearing on behalf of Dynegy,  
10 Inc., Joseph L. Lakshmanan. My phone number is  
11 (217) 872-2336.

12 JUDGE JONES: Thank you. Any other appearances  
13 in Springfield? Let the record show no response.

14 We will now turn to those who are  
15 participating by telephone by virtue of a call-in  
16 number. Let's start with the ICC Commission Staff.

17 MR. FOSCO: Appearing on behalf of Staff of the  
18 Illinois Commerce Commission, Carmen Fosco, John  
19 Feeley and Arshia Javaherian. Our phone number is  
20 (312) 793-2877.

21 JUDGE JONES: Thank you. Citizens Utility  
22 Board?



1           MS. McKIBBIN:   Appearing on behalf of the  
2   Citizens Utility Board, this is Anne McKibbin, and  
3   our phone number is (312) 263-4282.

4           JUDGE JONES:   Thank you.   Constellation Energy  
5   Commodities Group and Constellation New Energy, Inc.?

6           MS. FONNER:   This is Cynthia Fonner appearing  
7   for Constellation Energy Commodities Group, Inc., and  
8   Constellation New Energy, Inc., 550 West Washington  
9   Street, Suite 300, Chicago, Illinois 60661, telephone  
10   (312) 704-8518.

11          JUDGE JONES:   Thank you.   Retail Energy Supply  
12   Association?

13          MR. MOORE:   Yes, this is Stephen Moore, phone  
14   number (312) 803-1000.

15          JUDGE JONES:   Thank you.   Invenergy Wind North  
16   America, LLC.

17          MR. CONDO:   This is Joseph Condo.   Phone number  
18   is (312) 224-1400.

19          JUDGE JONES:   Thank you.   Are there other  
20   appearances to be entered in the Ameren docket?   Let  
21   the record show no response.

22                        At this time we will take up

1     intervening petitions. To speed things up just a  
2     little bit, we will just ask up front if there are  
3     any parties who want us to go through the list of  
4     intervening petitions one by one.

5             MR. FLYNN: Judge, it is Chris Flynn. We don't  
6     have any interest in that, and we do not have any  
7     objections to any of the Petitions to Intervene.

8             JUDGE JONES: All right. Does anybody else  
9     have any comments on that question or any response to  
10    that question? All right. Let the record show no  
11    response.

12            Does anybody have any objections to  
13    any of the Petitions for Leave to Intervene filed by  
14    any potential parties in this docket? All right.  
15    Let the record show there are no such objections.  
16    Accordingly, all the Petitions for Leave to Intervene  
17    are granted. That would include, among others, the  
18    People of the State of Illinois, Dynegy, Inc.,  
19    Citizens Utility Board, Constellation New Energy  
20    Commodities Group, Inc., and Constellation New  
21    Energy, Inc., the Retail Energy Suppliers  
22    Association, Energy Win North America, LLC. Those

1 are all granted. Who did I miss? All right. Those  
2 Petitions for Leave to Intervene are granted.

3 All right. With respect to some other  
4 procedural issues, I suspect we will be able to take  
5 care of these rather quickly, given the nature of the  
6 discussions in the immediately preceding hearing.  
7 That would be questions relating to whether the  
8 parties are in agreement on proceeding in this matter  
9 without cross examination, perhaps subject to certain  
10 conditions, and then what the parties wish to do with  
11 respect to the filings they have made relative to the  
12 evidentiary record in this docket.

13 MR. FOSCO: Your Honor, this is Carmen Fosco on  
14 behalf of Commission Staff. Much like in the ComEd  
15 docket, Your Honor, the e-mail that Staff circulated  
16 also included the Ameren docket service list, and as  
17 in the ComEd docket all parties have responded and  
18 indicated that they had no objection to proceeding on  
19 a paper hearing without cross examination, subject  
20 only to the pro proviso we had in the ComEd docket  
21 that the agreement to proceed without cross is not to  
22 be taken as precedent for any other pending or future

1 docket.

2 JUDGE JONES: Thank you. Any other  
3 clarifications with regard to that? Let the record  
4 show no response.

5 Are there any objections from any  
6 party to proceed in 07-0527 without cross  
7 examination, subject to the condition that doing so  
8 creates no presumptions with respect to any other  
9 current or future dockets? All right. Let the  
10 record show no objections. We will proceed  
11 accordingly.

12 Do the parties have any further  
13 clarification to make with respect to that  
14 arrangement? Let the record show they do not.

15 With respect to the related question  
16 of the treatment of the various filings that have  
17 been made in terms of their role in the record in  
18 this proceeding, one question that arises is whether  
19 or to what extent some of those are headed for the  
20 evidentiary record in the docket. As the parties are  
21 aware, in some instances testimony has been provided  
22 by parties. There are affidavits submitted by some

1 of the parties and there are verifications submitted  
2 with some of the filings.

3 So probably the best next step here is  
4 it to see which of the items filed by the parties are  
5 ones that the filing party believes should be put  
6 into the evidentiary record in this proceeding. I  
7 guess we could start with the petitioner, Ameren.

8 MR. FLYNN: Yeah, Judge, this is Chris Flynn.  
9 We would want to put in the evidentiary record the  
10 testimony and exhibits of the three witnesses that  
11 were filed with our petition. And we are in the  
12 process of preparing affidavits today that we intend  
13 to file on e-Docket.

14 In addition, there are two  
15 attachments, I believe, to our November 16 reply  
16 comments that we also intend to verify and would like  
17 in the evidentiary record.

18 Lastly, we would seek leave to submit  
19 a verification for portions of our supplemental reply  
20 comments we filed last Friday and also designate that  
21 portion for the evidentiary record.

22 What we would intend to do, if Your

1 Honor is amenable, is tomorrow file our affidavits or  
2 verifications on e-Docket, together with a chart of  
3 the specific items that we are offering for the  
4 evidentiary record.

5 JUDGE JONES: So that chart would be in the  
6 nature of a schedule or list?

7 MR. FLYNN: Yes, it would be a schedule that  
8 would list the specific items indicating, among other  
9 things, when they were filed on e-Docket, so that  
10 there is no confusion as to what's being designated  
11 for the evidentiary record.

12 JUDGE JONES: Thank you. Does anyone else have  
13 any points of clarification with respect to what  
14 Mr. Flynn is proposing on behalf of the Ameren  
15 company? How about the Commission Staff?

16 MR. FOSCO: Your Honor, this is Carmen Fosco on  
17 behalf of the Commission Staff. The only item we  
18 would be offering for the evidentiary record would be  
19 the portion of Staff's reply comments filed on  
20 November 28 that were verified by Mr. Alan Pregozen,  
21 so that would be Section 3-H. The statements that he  
22 verified were contained in Section 3-H, Roman III, of

1     our reply comments. And there was no verification or  
2     facts specifically alleged in our original objection,  
3     so we are not seeking to admit those into the  
4     evidentiary record.

5             JUDGE JONES: Thank you. Any questions about  
6     what Mr. Fosco is proposing? There are not.

7                     Ms. Hedman?

8             MS. HEDMAN: Thank you, Your Honor. The People  
9     would seek to admit Robert McCullough's November 13  
10    affidavit which is marked as AG Exhibit 1 and the  
11    associated exhibit AG Exhibit 1.1.

12                    We would also seek to admit the  
13    November 28 affidavit of Robert McCullough which was  
14    marked as AG Exhibit 2 and filed with associated  
15    exhibits AG 2.1 and AG 2.2.

16                    And we would also plan to file a list  
17    or a schedule with the e-Docket numbers of these  
18    items.

19             JUDGE JONES: Thank you. Any questions about  
20    the filing to be made on behalf of the People by  
21    Ms. Hedman? All right. Let the record show there  
22    are not.

1                   Okay. Other parties?

2                   MR. MOORE: Your Honor, this is Steve Moore.

3                   Again, as with my ComEd comments, we would like to  
4                   have the -- and I will be filing a verification for  
5                   the reply comments only and the attached attachment  
6                   to those comments. I should be getting that off  
7                   today or tomorrow morning. I would ask that the  
8                   reply comments and the attachment be considered part  
9                   of the evidentiary record.

10                  JUDGE JONES: Any questions about that? Let  
11                  the record show there are not.

12                  Ms. McKibbin?

13                  MS. MCKIBBIN: Yes, Your Honor, CUB would like  
14                  to offer Christopher Thomas' testimony which we have  
15                  marked as CUB Exhibit 1.0 with attachment CUB Exhibit  
16                  1.01 through 1.05. We filed an affidavit for  
17                  Mr. Thomas testifying to the veracity of his  
18                  testimony this morning.

19                  Also, we would like to offer CUB  
20                  supplemental comments filed on November 28 to the  
21                  extent that they are verified by the attached  
22                  affidavit from Mr. Thomas, and we would also like to



1 offer that affidavit as well.

2 JUDGE JONES: Thank you. Any questions about  
3 what CUB is proposing to do? Let the record show  
4 that there are not.

5 Other parties?

6 MR. LAKSHMANAN: Yes, Your Honor, this is Joe  
7 Lakshmanan. We would offer the verified objections  
8 of Dynegy, Inc., that were filed on November 9. They  
9 were accompanied by the verification of  
10 Mr. Huddleston, and we would offer them to the extent  
11 that those comments are verified by Mr. Huddleston.

12 JUDGE JONES: Thank you. Anyone else? All  
13 right. Let the record show no response.

14 At this time are there any objections  
15 to any of the items that the parties have just  
16 indicated they propose be included in the evidentiary  
17 record in this proceeding? Let the record show there  
18 are not. Those items are hereby admitted into the  
19 evidentiary record.

20 (Whereupon the aforementioned  
21 exhibits of Ameren, ICC Staff,  
22 Attorney General, CUB, Dynegy

1 and RESA were admitted into  
2 evidence.)

3 JUDGE JONES: A couple of parties mentioned  
4 submitting exhibit lists or schedules or charts. I  
5 think that would be helpful. Does anybody have any  
6 objection to submitting a list or schedule  
7 identifying your exhibits as they appear on e-Docket?  
8 Let the record show no response. So that will be  
9 part of the process. Leave is hereby given for that  
10 to happen.

11 MR. FOSCO: Your Honor, is there a preferred  
12 due date for those filings?

13 JUDGE JONES: Yeah, that's a good question. I  
14 don't think parties should have to drop everything  
15 and do that today or tomorrow in either docket,  
16 really. What do you suggest? What would be helpful  
17 to you?

18 MR. FOSCO: The 5th would be fine for Staff.  
19 We are flexible.

20 JUDGE JONES: What was that?

21 MR. FOSCO: December 5, which would be  
22 Wednesday, or the 6th. It really depends, Your

1 Honor, I think on when you will be drafting your  
2 order. If the 6th is okay with you, maybe that would  
3 be better for all parties.

4 JUDGE JONES: I don't have any problem with the  
5 6th. Any objection to that being done?

6 MR. FLYNN: This is Chris Flynn. We have no  
7 objection. We will make every effort to get ours in  
8 tomorrow, but we don't really care when others do, as  
9 long as -- it is really your call, Judge. When do  
10 you need it?

11 JUDGE JONES: I think December 6 would be a  
12 reasonable date to give the parties an opportunity to  
13 take care of that. Certainly, if they wish to file  
14 them sooner, they may.

15 I think this brings us to post-hearing  
16 filings, or at least it may. There will be a  
17 proposed order issued in this docket. In terms of  
18 the date, all I can really tell you today is that  
19 advance notification will be provided with regard to  
20 the date for the issuance of that and the turn around  
21 time and for submission of BOEs.

22 As in the ComEd matters, it is

1 contemplated that the Ameren docket will be before  
2 the Commission for its deliberation and/or action in  
3 its meeting scheduled for the week of December 17.  
4 Currently those meetings are scheduled for the 18th  
5 and the 19th. The 19th is the bench session.

6 All right. At this time do the  
7 parties have any other matters to raise, either with  
8 respect to post-hearing scheduling or anything else?  
9 Let the record show they do not.

10 All right. I think that may be it  
11 then. Let me make sure. Are there any objections at  
12 this time to the matter being marked heard and taken?  
13 All right. Let the record show no response.  
14 Accordingly, let the record show that this hearing is  
15 concluded. In accordance with the above, this matter  
16 is hereby marked heard and taken and is subject to  
17 the post-hearing scheduling previously mentioned.

18 All right. Thank you, all. Also  
19 thanks to Mr. Rippie for keeping the line open.

20 HEARD AND TAKEN

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